

REMARKS

Applicants appreciate the Examiner's thorough consideration provided the present application. Claims 1-14 are now present in the application. Claims 1, 9, 10 and 14 have been amended. Claims 1 and 9 are independent. Reconsideration of this application, as amended, is respectfully requested.

Allowable Subject Matter

The Examiner has indicated that dependent claims 2-8 and 14 would be allowable if rewritten to include all of the limitations of the base claim and any intervening claims. The Examiner has indicated that dependent claims 1 and 10 would be allowable if rewritten to overcome the rejection under 35 U.S.C. §112, second paragraph. The Examiner has indicated that dependent claims 9-13 would be allowable if rewritten to overcome the rejection under 35 U.S.C. §101. Applicants greatly appreciate the indication of allowable subject matter by the Examiner.

Claim Rejections Under 35 U.S.C. §112

Claims 1 and 10 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. This rejection is respectfully traversed.

In view of the foregoing amendments, it is respectfully submitted that this rejection has been addressed. Accordingly, all pending claims are now definite and clear. Reconsideration

and withdrawal of the rejection under 35 U.S.C. § 112, second paragraph, are therefore respectfully requested.

Claim Rejections Under 35 U.S.C. § 101

Claims 9-13 stand rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter. This rejection is respectfully traversed.

In light of the foregoing amendments to the claims, Applicants respectfully submit that this rejection has been obviated and/or rendered moot. As the Examiner will note, independent claim 9 has been amended to recite “producing a comparison result”, which is a useful, tangible and concrete result as indicated by the Examiner. Therefore, it is believed that claim 9 and its dependent claims are directed to statutory subject matter. Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. § 101 are respectfully requested.

CONCLUSION

Since the remaining patents cited by the Examiner have not been utilized to reject the claims, but merely to show the state of the prior art, no further comments are necessary with respect thereto.

It is believed that a full and complete response has been made to the Office Action, and that as such, the Examiner is respectfully requested to send the application to Issue.

In the event there are any matters remaining in this application, the Examiner is invited to contact Joe McKinney Muncy, Registration No. 32,334 at (703) 205-8000 in the Washington, D.C. area.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

By 

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